

ESAU HENKLE.

FEBRUARY 26, 1904.—Ordered to be printed.

Mr. QUARLES, from the Committee on Military Affairs, submitted the following

ADVERSE REPORT.

[To accompany S. 842.]

The Committee on Military Affairs, to whom was referred the bill (S. 842) to correct the military record of Esau Henkle, respectfully report that they have carefully considered the same and report it back adversely, and ask that it be indefinitely postponed. As a reason for this recommendation attention is called to the accompanying report from the Record and Pension Office and letter from Senator Foraker with indorsements thereon.

Case of Esau Henkle, alleged late of Company I, Seventh Regiment West Virginia Volunteer Infantry.

The name Esau Henkle has not been found on the rolls of any company of the Seventh Regiment West Virginia Volunteer Infantry on file in this Department.

In an application for removal of the charge of desertion Esau Henkle, a resident of near Milledgeville, Fayette County, Ohio, testified, on February 3, 1890, as follows:

"That he is the identical Esau Henkle, who was a private in Company B, in the Seventh Regiment of West Virginia (or Virginia) Infantry; that he was enlisted in said company and regiment on or about the 1st day of September, 1861; that he served faithfully until on or about the — day of November or December, 1861, when he was taken prisoner at Petersburg, W. Va.; about nine months after paroled at Staunton, Va.; was again captured by a band of Confederates, who would not accept the parole; was taken to Winchester and held for some time before he could secure attention to his parole; was taken before General Jackson ('Stonewall'), who received the parole and ordered the guards to put him in the ranks of a Confederate regiment and have him closely watched; a few days afterwards he escaped, with 6 others, and made his way to the Union lines, where he fell in with the Eighty-second Regiment Ohio Volunteer Infantry, and from this time (spring of 1863) to April, 1864, acted as scout and guide for various regiments; the colonel kept cautioning him, telling him that if he were again captured he would be killed; and finally about the 1st of April, 1864, he was furnished necessary passes and sent to Ohio, where he has since resided; he tried to find his company and return to the service to obtain his discharge, but learned that his entire company had been captured; he believes the records bear out these statements, and is ready to furnish testimony if it be needed both to the foregoing stated facts and to his loyalty and not having willingly stayed away from his company."

The records of prisoners of war afford no information relative to the alleged capture, nor has any record been found relative to the alleged services as a scout with the Eighty-second Ohio Infantry and other regiments.

Under date of February 18, 1890, the applicant was advised by this Office, through his attorney, that his name had not been found on the records of Company B, Seventh West Virginia Infantry.

On May 27, 1890, a statement was received from the attorney that the applicant served in Company F, Seventh West Virginia Infantry, together with testimony as follows:

George W. Hinkle, a resident of near Waynesville, Warren County, Ohio, testified on March 21, 1890, as follows:

"I have known Esau Hinkle nearly all my life. I was raised near by him. I know that Esau Hinkle volunteered in the Union Army under Captain Schell, and that he was captured by the Confederates near Petersburg, W. Va., in the winter of 1861, and that he was taken to Monterey, W. Va., to prison; from there to Staunton, Va. I also know that he was captured the second time by the Confederates and taken to Moorefield, W. Va.; from there to Winchester, W. Va. I had been conscripted by the Confederates and was encamped at Winchester in the spring of 1862, and one night in April of that year said Esau Hinkle, Jesse Koontz (who was also a prisoner), myself, and two other comrades all escaped together. We got off into the mountains and Esau went to the Ohio troops. I know that he escaped, for I helped him to get away."

George W. Mongold, a resident of near Jamestown, Greene County, Ohio, testified on March 24, 1890, as follows:

"I know that Esau Hinkle volunteered in the United States Volunteer Infantry service in the war of the rebellion in the Seventh Virginia Infantry. I know that while in active service in said regiment in West Virginia, now Hardy County, that he was taken prisoner by the Confederates and was taken to Staunton, Va., and I know that the claimant is the identical person he claims to be, for I have known him personally for at least thirty-five or forty years."

Jesse Coontz, a resident of near Masonville, Grant County, W. Va., testified, on May 6, 1890, as follows:

"I have known Esau Hinkle all his life or since I knew any one; I know that he volunteered in the United States service, namely, in the Seventh West Virginia Volunteer Infantry about the 1st of September, 1861, at Greenland Gap, W. Va.; I volunteered in the same regiment at the same time; I was with him and we were in active service in said regiment near Petersburg, W. Va., about the — day of November, 1861, when we were both taken prisoners by the Confederates, and were taken to Monterey, Va., and put in prison there together, and we were taken from there to Staunton, Va., and were paroled there, and we came home to Grant County together; we were only home a short time until I was again captured by Confederate guerrillas and taken to Wardsensville, Va., and when I reached there I also found Esau Hinkle, who had been also captured by the Confederates; were taken from there to Winchester, and while there Esau Hinkle and me and five others escaped, and separated in the mountains; I know no more of him, so far as the war was concerned."

Under date of May 29, 1890, the attorney in the case was advised that the name Esau Henkle had not been found on the rolls of any company of the Seventh West Virginia Infantry, and it was pointed out to him that, if the account of the applicant's case, as given by himself and his witnesses, be correct, then the absence of any record of him would be explained by the fact that the Seventh West Virginia Infantry was not mustered into the United States service until after November, 1861, when the alleged capture of Henkle took place.

In February, 1891, the attorney introduced, for file with the other papers in the case, testimony as follows:

John S. Scott, Conrad Ronalder, David J. Mentzer, and Christopher Cushman testified, in their joint affidavit of November 6, 1890, as follows:

"We believe Esau Henkle to be the person who served as a scout and guide with the Eighty-second Ohio Volunteers in Virginia in 1862 and 1863, the undersigned all being members of said Eighty-second Ohio Volunteers and personally recognizing him."

Under date of January 23, 1897, Hon. G. W. Wilson, M. C., submitted to this Office a statement from Esau Henkle to the following effect:

That it seems strange that he, Henkle, has no war record, when he received \$84 pay in 1868, sent to him by E. Monsinger, paymaster; that he was a paroled prisoner at Staunton, Va., and while on his way home was recaptured and taken to Winchester, Va.; that he escaped and went to the Eighty-second Ohio Infantry and acted as guide for it. Hon. Mr. Wilson was advised by this Office on January 25, 1897, of the result of the previous investigation of this case, and that the Auditor for the War

Department had advised this Office that no record had been found of any payment to this man as a member of the Seventh West Virginia Infantry; and that it did not appear that any paymaster or disbursing officer by the name of Monsinger was in the service of the United States at any time.

Under date of March 12, 1902, the auditor of the State of Ohio requested a military history of this man for the use of the legislative committee on appropriations. From a record made from a statement of Esau Henkle accompanying his request, it appears that, besides reiterating his former statements as to his alleged service in the Seventh West Virginia Infantry, etc., he claimed to have been confined as a prisoner of war in Andersonville, Ga., and to have been drafted into the service during June, 1864, and to have been exempted.

The records show that Esau Henkle, born in Hardy County, W. Va., was enrolled June 13, 1863, in Ross Township, Greene County, Forty-ninth subdistrict, Seventh district of Ohio; that he was drafted from said district June 2, 1864, and that he was exempted from the draft on June 15, 1864, upon payment of the usual commutation.

The auditor of the State of Ohio was advised, on March 19, 1902, of the record of Esau Henkle's draft, and it was pointed out to him that the prison at Andersonville, Ga., was not established until about 1864.

Respectfully submitted.

F. C. AINSWORTH,
Chief Record and Pension Office.

RECORD* AND PENSION OFFICE,
War Department, February 17, 1903.

The SECRETARY OF WAR.

UNITED STATES SENATE,
January 30, 1904.

SIR: As a member of the subcommittee of the Committee on Military Affairs, having charge of the bill (S. 842) to correct the military record of Esau Henkle, I write to request that you kindly inform me as to the meaning of the following report made by the Record and Pension Office, War Department, during the second session of the Fifty-seventh Congress, in connection with the bill (S. 7334), having in view a purpose similar to the measure first indicated:

"The records show that Esau Henkle, born in Hardy County, Va., was enrolled June 13, 1863, in Ross Township, Green County, Forty-ninth subdistrict, Seventh district of Ohio; that he was drafted from said district June 2, 1864, and that he was exempted from the draft on June 15, 1864, upon payment of the usual commutation."

Is it intended that the committee shall understand from the above that he performed no service whatever, as shown by the records? An early response will be appreciated.

Respectfully,

J. B. FORAKER.

The SECRETARY OF WAR, *Washington, D. C.*

[First indorsement.]

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington, February 1, 1904.

Respectfully returned to the honorable the Secretary of War.

It is to be understood from the report from this office, quoted by Senator Foraker, that the drafted man, Esau Henkle, rendered no service whatever under the draft therein referred to. Having been exempted by the payment of "commutation," he was released from the obligation of rendering personal service.

As further stated in the report, no record has been found of the prior service alleged by Henkle as a member of the Seventh West Virginia Infantry, of his alleged service as a scout for the Eighty-second Ohio Infantry, and other regiments, or of his alleged capture or confinement as a prisoner of war.

F. C. AINSWORTH,
Chief Record and Pension Office.

[Second Indorsement.]

WAR DEPARTMENT, *February 3, 1904.*

Respectfully returned to Hon. J. B. Foraker, United States Senate, inviting attention to the foregoing report of the Chief of the Record and Pension Office of this Department.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

